

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:22-cr-0022
)	
GILBERT BRADY,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is Defendant Gilbert Brady's unopposed motion to continue the motions deadline and trial date. (ECF No. 32.) The trial date in this matter currently is scheduled for June 27, 2022. For the reasons stated herein the motion is granted. The time to try this case is extended up to and including January 9, 2023.

On June 3, 2022, Brady filed the instant motion to continue. In his motion, Brady asserts that counsel identified several areas of "necessary factual investigation, consultation and legal research." *Id.* at 2. Brady asserts that additional time is necessary to complete the factual investigation, consultation, and legal research, and for defense counsel to discuss the case with Brady. The Government does not object to this motion.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Here, an extension of time is necessary so that Brady may adequately prepare for trial.

Consistent with this concern, the United States Court of Appeals for the Third Circuit has recognized that "a district court may grant a continuance and toll the speedy trial clock by making a finding, on the record, that the 'ends of justice' served by granting a continuance 'outweigh the best interest of the public and the defendant in a speedy trial.'" *United States v. Adams*, Nos. 19-1811, 19-2574, 2022 U.S. App. LEXIS 14407, at *11 (3d Cir. May 26, 2022); *cf. United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994) ("[W]hether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be

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granted."); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense.").

Furthermore, in response to the COVID-19 pandemic, the undersigned, as Chief Judge of the District Court of the Virgin Islands, issued a general order concerning operations of the Court on May 30, 2022, suspending all jury trials through June 30, 2022. The Court hereby fully incorporates the findings from the Court's Thirty-Eighth Operational Order as fully stated herein.

To date, the COVID-19 virus has claimed more than 1,010,000 lives in the United States (118 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. As such, the Court finds that extending the period within which Defendant Brady may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the attorneys, the witnesses, the Court's personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that Defendant Brady's motion to continue, ECF No. 32, is **GRANTED**; it is further

ORDERED that all motions **SHALL** be filed no later than August 23, 2022; it is further

ORDERED that the time beginning from the date of this order granting an extension through January 9, 2023, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than close of business on December 30, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

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ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than January 4, 2023;¹ and it is further

ORDERED that the Jury Selection and Trial in this matter **SHALL** commence promptly at 9:00 a.m. on January 9, 2023, in St. Thomas Courtroom 1.

Dated: June 24, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

¹ Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.